

SEP 05 2006

*Application No. 09/925562*  
*Page 13**Amendment*  
*Attorney Docket No. S63.2N-8429-US03***Remarks**

This Amendment is in response to the Office Action dated August 2, 2006. The Office Action: 1) requested a status indicator in the recitation of the claims indicating that claims 39-43 are withdrawn, 2) objected to language used in claim 34, 3) rejected claims 34-36, 39-43, and 47 under 35 USC §102(e) in view of US 5,449,373 (hereinafter Pinchasik), 4) rejected claims 51-57 and 59 in view of US 5,776,161 (hereinafter Globerman), 5) rejected claims 51, 52, 54, 55, and 57-59 under 35 USC §102(e) in view of US 6,348,065 (hereinafter Brown), and 6) rejected claims 49 and 50 under 35 USC §103(a) over Pinchasik in view of US 6,156,052 (hereinafter Richter). The following comments are presented in the same order as in the Office Action with section numbers corresponding to the above enumeration.

**1. Withdrawal of Claims 39-43**

Although applicant does not concede the validity of the 35 U.S.C. §102(e) rejection, in order to better facilitate the prosecution of this matter applicant is withdrawing claims 39-43 from further consideration. Appropriate notations have been made in the amendment to the claims section. Applicant reserves the right to prosecute the embodiments of these claims in a further continuation application claiming priority from this application and/or any appropriate earlier application.

**2. Objection to language used in claim 34**

The Office Action objected to the use of the term "closer one strut" and suggested that the term "closer to one strut" be used instead. Applicant thanks Examiner for suggesting an improvement to the claim language and has incorporated this suggested language into the instant claim 34.

**3. 35 U.S.C. § 102(e) rejection based on Pinchasik**

The Office Action rejected claims 34-36, 39-43, and 47 under 35 U.S.C. §102(e) in view of Pinchasik. The rejection was based the assertion that the claim term "end" includes anything up to the midpoint of an item. The Office Action contrasted the broad definition of the term "end" with the more geometrically limited term of "very tip". Using this reasoning, the Office Action concluded that since the midpoint of the connector in Pinchasik is closer to one stent strut than another, the connector end must also be closer to one stent strut than another.

Although Applicant does not concede that this construction of the term "end" is

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valid, the instant claims have been amended to recite the Examiner's more limited term of "very tip" of the end of the connector. As defined in the claims, the term "very tip" is limited to that region of the connector immediately distal or immediately proximal as appropriate to the expansion strut column. Because the very tip of the end of the connector in Pinchasik is not closer to one strut than another it cannot support a 35 U.S.C. §102(e) rejection of the instant claims. No new matter has been added. Support for the amendment can be found in the detailed discussion in paragraphs 0101 and 0102 of published application 2002/0062149A1 which describe the borders of the joining connectors illustrated in FIGs. 7A, 7B, 7C, 8A, and 8B.

**4. 35 U.S.C. § 103(a) rejection based on Globerman**

The Office Action rejected claims 51-57 and 59 as construed by a dictionary definition of the claim term "collinear" in view of Globerman. Applicant does not concede that the definition of the claim term "collinear" provided in the Encarta World English Dictionary [North America Edition] is appropriate for construing this claim and continues to hold that the term be construed according to the definition provided in the specification. Nevertheless in order to further facilitate the prosecution of this application, Applicant has amended the instant claims to use the claim term "*colinear*" instead of "*collinear*".

Previous Office Actions have stated that the Encarta World English Dictionary [North America Edition] is an appropriate reference for defining claim terms. As defined in the Encarta World English Dictionary [North America Edition], "*colinear*" means: arranged in linear order with corresponding parts arranged in a regular linear order. Because the corresponding parts of the first and second strut pairs in Globerman are not arranged in regular linear order they are not colinear. Support for this amendment can be found in the description of FIG 4B in paragraph 0089 of published application 2002/0062149A1. Paragraph 0089 explains that the distal end of the first linear section, the proximal end of the first linear section, the distal end of the joining strut, and the proximal end of the joining strut, (all of which comprise the corresponding parts of the first linear section and the joining strut) are all arranged in a regular linear order consistent with the extrapolated axis extending from the distal end of the first linear section to the region pointed to by item number 66. Because of all of the corresponding parts of the first linear section and the joining strut are all arranged in a regular linear order, they unlike the corresponding parts of the stent in Globerman are colinear.

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**5. 35 U.S.C. § 103(a) rejection based on Brown**

The Office Action rejected claims 51, 52, 54, 55, and 57-59 under 35 U.S.C. §102(e) in view of Brown. Although Applicant disputes the validity of this rejection, the current language of the instant claims moots the basis of this rejection. As explained in Section 4 of these remarks instant claims 51, 52, 54, 55, and 57-59 have been amended to recite the limitation of a first strut of a first strut pair being *colinear* with the second strut of the second strut pair. Like Globerman, Brown does disclose this limitation.

**6. 35 U.S.C. § 103(a) rejection based on Pinchasik in view of Richter**

The Office Action rejected claims 49 and 50 under 35 USC §103(a) over Pinchasik in view of Richter. As mentioned in section 3 of these remarks, Pinchasik does not disclose a sent in which the very tip of the connector end is closer to one strut than another. Similarly, no where in Richter is this limitation found either. Because none of the cited references whether viewed individually, or in a combination comprising some or all discloses all of the limitations of claims 49 and 50, the 35 USC §103(a) rejection must be withdrawn.

**Conclusion**

Based on at least the foregoing remarks, Applicant respectfully submits this application is in condition for allowance. Withdrawal of the rejections against Claims 34-36, 39-43, 47, and 49-59, is requested. Favorable consideration and prompt allowance these claims are earnestly solicited.

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Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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Date: September 5, 2006

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